

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
January 14, 2020

3:30 P.M. CITY BUSINESS – CITY COUNCIL CONFERENCE ROOM

With the 2019 Election and the addition of two new councilmembers, the City Council planned to take new group and individual photos. The photographer had a scheduling conflict and was unavailable, so the photos would be taken at a later date yet to be determined.

4:30 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; Steve Earl, Deputy City Attorney and Jackie Lambert, Deputy City Recorder

REVIEW – Officer-Involved Critical Incident Protocol (OICI)

Before he began his review of the OICI, Chief Giles introduced the new vests that Orem police officers were wearing while on duty. He said duty belts, which had been the standard for many years, carried equipment weighing around 20 to 30 pounds and often led to hip and lower-back issues for officers. The new load-bearing vest distributed the weight of the equipment better, and made equipment easier to reach when needed. Chief Giles reviewed the improvements of the materials and design, including panels for bullet-proof plates to be inserted. He said most officers were already wearing the more functional vest, and he passed his own vest around for those that wanted to see the vest up close.

Chief Giles said the OICI was a new protocol that was developed by all the police chiefs in Utah County. The intention was to improve on the current protocol that was erroneously called “Officer-Involved Shooting” protocol. The new OICI protocol addressed all officer-involved critical incidents, and would be conducted simultaneous to administrative investigations of incidents. Chief Giles shared the work flow of the OICI protocol, and explained that the venue agency would be whatever agency the involved officer was a part of. The Task Force Manager/Commanders

DRAFT

would be three case officers selected from agencies outside of the venue agency, as would the other investigating case officers, to ensure an objective and transparent investigation of an incident.

There was continued discussion on the OICI protocol, including what did or did not activate the protocol team. Mr. Davidson asked if the new protocol would speed up the timeline on these investigations. Chief Giles said they hoped that it would, but often multiple investigations were being conducted and information could not be released; timelines were generally determined by the type of incident that occurred. Chief Giles finished outlining the OICI protocol and shared recent examples of the protocol in action in Orem.

Mayor Brunst had questions for Chief Giles on separate issues; he said he had been contacted by residents regarding massage parlors and gambling machines in the city. Chief Giles said there were ongoing investigations regarding both of those issues, and said that additional agencies were involved in those investigations including Homeland Security. Mr. Stephens added that there was a case currently before the Attorney General's Office regarding the so-called "amusement machines" that would determine how law enforcement could proceed.

Agenda Review & Preview of Upcoming Agenda Items

The City Council discussed the items on the evening's agenda; Mr. Bench and Mr. Earl provided additional information regarding the scheduled item. The City Council also briefly reviewed items that would be coming before the Council in future meetings.

City Council Reports (Boards and Commissions, New Business, Etc.)

Mr. Spencer briefly updated the Council on his committee assignments. He said the Beautification Advisory Commission had presented many neighborhood improvement awards for holiday decorations. The Recreation Advisory Commission had their first meeting of the year where they received an update on the new Fitness Center project.

At the request of the Mayor, Mr. Hirst shared additional information regarding the progress of the Fitness Center project. He said the pool was scheduled to reopen at the end of April, and they had not yet determined where the spectator bleachers would be added. Discussion continued, regarding the project and specifically parking for the Fitness Center. Mr. Bybee clarified that the south parking lot would still be within the construction zone when the pool was ready to open, but patrons would be able to park in the north parking lot. He added that the median currently in the Mountain View High School (MVHS) lot would be removed to accommodate more parking stalls.

Mayor Brunst mentioned that doggy cleanup bags were needed to restock the cleanup stations in city parks; Mr. Tschirki said he would speak to his colleagues about that matter. Mr. Macdonald commented that while the city did have cleanup stations that typically had bags, he felt dog owners should take some personal responsibility in bringing their own bags for the times when the stations were out of stock.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner

APPOINTED STAFF

Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Public Works Director; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Ernesto Lazalde, IT Division Manager; and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Jon Westover

PLEDGE OF ALLEGIANCE

Lia Westover

MAYOR’S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

Mayor Brunst reviewed the upcoming events, as listed in the agenda packet.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Phil Murphy said it was a new year and new things were coming. He was excited to see some new faces among the familiar faces. He said there had been recent meetings with city employees and he was particularly concerned by the comments made to police and fire fighters. Mr. Murphy said it was offensive to call police and fire fighters the “most expensive employees” and to say they were only needed when called. He encouraged the Council to attend those meetings, and said some things were being blamed on the City Council that he felt should not have been. Mr. Murphy said law enforcement officers were still leaving Orem, and he asked the Council to “reign Mr. Davidson in” and consider the matter seriously.

CONSENT ITEMS

DRAFT

- Approval of the December 10, 2019 City Council Meeting Minutes

Mr. Macdonald moved to approve the Consent Agenda as listed. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending Orem City Code by enacting Section 22-14-21(C) Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy and amending Appendix A by enacting Standard Land Use Codes 2140 Cannabis Production Establishment (Subject to the requirements of Section 22-14-21(C)) and 5920 Medical Cannabis Pharmacy (Subject to the requirements of Section 22-14-21(C))

Mr. Bench said that in November 2018, Utah voters approved Proposition 2 which made medical marijuana legal in the state. The state legislature passed House Bill 3001 on December 3, 2018 which was signed by the Governor and became law. Among the elements of the bill specific to cities was a requirement that cities provide in their zoning code a place for cannabis cultivation facilities and cannabis pharmacies. The licensing for the cultivation facilities and the pharmacies were regulated by the state; the cities must allow for the use in their code.

The proposed amendments to Appendix A included enacting two new Standard Land Use Codes 2140 Cannabis Production Establishment (Subject to the requirements of Section 22-14-21(C)) and 5920 Medical Cannabis Pharmacy (Subject to the requirements of Section 22-14-21(C)). SLU Code 2140 would allow a cannabis production establishment (cultivation) in the M2 manufacturing zone only. This would meet the requirement stipulated in state law. In addition, SLU Code 5920 would allow a medical cannabis pharmacy in all zones that were not primarily residential zones subject to a separation requirement. These zones included the PO, C1, C2, C3, HS, M1, M2, CM, and BP zones. This would also meet the requirement stipulated in state law.

Additionally, Section 22-14-21(C) Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy would provide additional requirements pertaining to both the production and sale of medical cannabis.

Mr. Bench reviewed the additional requirement the City was proposing, including that the Orem Police Department could review the criminal backgrounds of applicants and that cannabis production must be done in an indoor facility. Mayor Brunst wanted to clarify that the proposal would not only comply with state law, but allowed the City more control by including specific requirements in Orem's code. Mr. Bench said that was correct, and commented that state law already had strict controls in place but the city was able to supplement that in their code.

Mr. Macdonald asked the process by which staff determined the additional requirements in the proposal. Mr. Bench said Mr. Earl had done extensive research on the subject. Mr. Earl said he reviewed the bill passed by the state, as well as the detailed analysis the Utah League of Cities and Towns had prepared. He also reviewed ordinances in other Utah cities to see what limitations they

were establishing. All of the additional requirements this proposal included met state law, but their “hands were tied” in that the City could not deny these requests outright.

Mr. Spencer asked for clarification on the zoning area they were proposing to allow the cannabis-related land uses. Mr. Bench showed an aerial map, and said that zoning would not be the only factor in limiting where these facilities could be. There were restrictions set by the state regarding proximity to schools, which would limit options for these facilities.

Mrs. Lauret said she understood that the State had licensed three cities in Utah County (Lindon, Provo, and Springville) of the 14 licenses they issued to allow for cannabis cultivation facilities and cannabis pharmacies. She was curious about the interest in Orem for these kinds of facilities. Mr. Bench said there had been a handful of phone calls before the end of the year, but they were only speculative inquiries and the City gave no confirmations on anything other than Orem was not a state-licensed city at this time.

Mr. Sumner asked if multiple facilities would be opened in cities with a cannabis license. Mr. Bench said it was possible, but would depend on distance requirements. The state had identified manufacturing zones as acceptable zones for cultivation facilities, but none were allowed in residential or commercial zones. Cannabis pharmacies would be allowed in commercial zones and the designated M2 zone if the ordinance were passed.

Mayor Brunst opened the public hearing at 6:17 p.m. No one came forward to speak, so he closed the public hearing.

Mr. Macdonald said he appreciated the work staff had put into this proposal to ensure that they were meeting state requirements but also protection Orem for the future. Mr. Clark showed the Zoning Map of Orem to clarify the allowed zoning location. He said of the three zones the state said these facilities could go, the proposal was to only allow them in one zone. He added that growth in Vineyard would also affect the distance requirements for cannabis facilities. Mayor Brunst pointed out the location for the announced temple for the Church of Jesus Christ of Latter-day Saints, and said he thought that would also be a factor in distance requirements.

Mr. Peterson commented that living with chronic pain was a difficult way to go through life; on the other hand, living with addiction was also a difficult way to go through life. He did not want to appear to be in favor on any level of allowing these kinds of facilities in Orem, so he planned to vote against the proposed ordinance. While he understood that state law prohibited the outright denial of such proposals, he felt they could send a message by not changing their code to accommodate these cannabis facilities.

Mr. Macdonald said that if the City Council did nothing, these cannabis facilities could go anywhere in the state-identified zoning areas. By adding restrictions in the city code they were making those facilities more expensive to operate, which would work in favor of discouraging cannabis facilities to move into Orem.

Mayor Brunst moved, by ordinance, to amend Orem City Code by enacting Section 22-14-21(C) Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy and amend Appendix A by enacting Standard Land Use Codes 2140 Cannabis Production Establishment (Subject to the requirements of Section 22-14-21(C)) and 5920 Medical Cannabis Pharmacy

DRAFT

(Subject to the requirements of Section 22-14-21(C)). **Mr. Lambson seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, David Spencer, and Brent Sumner. Those voting nay: Terry Peterson. The motion **passed**.

COMMUNICATION ITEMS

The Monthly Financial Summary for November 2019 was included in the packets distributed to the Council.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said he had no additional information to share, but reminded that Council that they had treats to celebrate Mr. Peterson's birthday in Room #107.

ADJOURNMENT

Mr. Spencer moved to adjourn the meeting. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 6:24 p.m.



JoD'Ann Bates, City Recorder

Approved: January 28, 2020

